

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CURTEZ MCLAURIN,

Plaintiff,

v.

5:22-CV-0373
(GTS/TWD)

ONONDAGA COUNTY; and
SYRACUSE POLICE DEPT.,

Defendants.

APPEARANCES:

CURTEZ MCLAURIN, 19000388

Plaintiff, *Pro Se*

Onondaga County Justice Center

555 South State Street

Syracuse, New York 13202

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by Curtez Mclaurin (“Plaintiff”) against the two above-captioned entities (“Defendants”), is United States Magistrate Judge Thérèse Wiley Dancks’ Report-Recommendation recommending that Plaintiff’s Complaint be *sua sponte* dismissed, with leave to amend, for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b). (Dkt. No. 9.) Plaintiff has not filed an Objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant papers herein, including Magistrate Judge Dancks’ thorough Report-Recommendation, the Court can find no clear error in the Report-

Recommendation:¹ Magistrate Judge Dancks employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Dancks' Report-Recommendation (Dkt. No. 9) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff's Complaint (Dkt. No. 1) shall be *sua sponte* **DISMISSED** **with prejudice UNLESS**, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff files an **AMENDED COMPLAINT** curing the pleading defects identified in the Report-Recommendation; and it is further

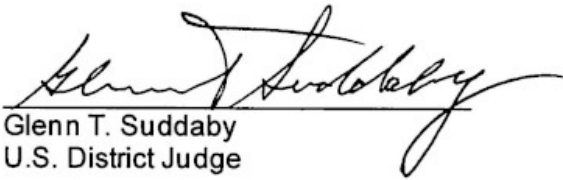
ORDERED that, should Plaintiff wish to file such an Amended Complaint in this action, that Amended Complaint must be a complete pleading which complies with the pleading standards set forth in Federal Rules of Civil Procedure 8 and 10 and Local Rule 10.1 of the District's Local Rules of Practice, and which will supercede and replace his original Complaint in all respects; and it is further

ORDERED that, should Plaintiff file an Amended Complaint within the thirty (30) day time period, the Amended Complaint shall be returned to Magistrate Judge Dancks for further

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear-error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear-error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

review pursuant to 28 U.S.C. § 1915.

Dated: January 17, 2023
Syracuse, New York



Glenn T. Suddaby
U.S. District Judge